IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Victory Avenue, 145' N centerline of Putty Hill Avenue 14th Election District 6th Councilmanic District (8805 Victory Avenue)

Laura A. & Arnold P. Elliott, Jr. Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-378-A

* * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Laura A. and Arnold P. Elliott, Jr. The variance request is for property located at 8805 Victory Avenue in the Parkville area of Baltimore County. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard average setback of 23 ft. in lieu of the required 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

1860 was first and first from the first was was was was was was was was and the first from the f

that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. However, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Comments submitted by the Office of Planning dated April 5, 2002, a copy of which is attached hereto and made a part hereof.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 9th day of April, 2002, that a variance from Section 303.1 of the B.C.Z.R., to permit an addition with a front yard average setback of 23 ft. in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with the recommendations made by the Office of Planning dated April 5, 2002.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

April 9, 2002

Mr. & Mrs. Arnold P. Elliott, Jr. 8805 Victory Avenue Baltimore, Maryland 21234

> Re: Petition for Administrative Variance Case No. 02-378-A Property: 8805 Victory Avenue

Dear Mr. & Mrs. Elliott:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

luthy llotroes

TMK:raj Enclosure



ON THE MOS CO SECTIONS

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8805 1/ictory Aug

	which is presently and 100 77
	which is presently zoned $D_{\cdot}R.5.5$
This Petition shall be filed with the Department of owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance from A FRONT AVERAGE SETBAL THE REDURED 25H.	Permits and Development Management. The undersigned, legal and which is described in the description and plat attached hereto and a Section(s) 303. I BCZR To PERMIT L of 23ft IN LIEM of R AN ADDITION
of the zoning regulations of Baltimore County, to the zo of this petition form.	oning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by it, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pure	ng poeting ato and further gares to and are to be because it is
•	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
	1. IN DELL TOTT IN
Name - Type or Print Signature	Name - Type or Print 410 687-5648 Signature HO 687-5648
Address Telephone No.	Name - Type or Print Lawra A. Flight Name - Type or Print 448-6895
City State Zip Code	
Attorney For Petitioner:	Address Telephone No.
Name - Type or Print	_ Baltimote, MD. 21234 City State Zip Code
Signature	Representative to be Contacted:
Company	Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found this day of that the subject matter	to be required, it is ordered by the Zoning Commissioner of Baltimore County,
regulations of Baltimore County and that the property be reposted.	er of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 02-378 A	Reviewed By Date 3-11-62
REV 10/25/01	Estimated Posting Date 43.17.02

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a p	oublic hearing is sch	eduled in the future with reg	gard thereto.
That the Affiant(s) does/do presently reside at	8805 Vict	torg Ave	
•	Baltimore,	MD.	21234 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh	owing are the facts lip or practical difficu	upon which I/we base the rulty):	equest for an Administrative
Handicap parent moving into hon being utilized and a bathroom the bebuilt to allow her to have her adjoining ADA bathroom. Parent issues. Rooms are to be wheelch	nat is not ADA o own accessible has osteoporos	accessible. Additional sitting/family room,	rooms need to bedroom, and
Need to utilize additional space allows. Up to and possible includi			ion 303.1
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a formula Pulled P	ormal demand is fi additional informatio	led, Affiant(s) will be requi	ired to pay a reposting and
Signature Avnold P. ELLIOTT Name - Type or Print	JY. N	gnature Laura A ame - Type or Print	. ELLIOTT
STATE OF MARYLAND, COUNTY OF BALTII I HEREBY CERTIFY, this 26th day of Fell of Maryland, in and for the County aforesaid, pe	bruary ersonally appeared Augustian	A ELLIGAT	, a Notary Public of the State
AS WITNESS my hand and Notarial Seal	Notary Pt	ebout A Norton	
	My Comn	nission Expires <u>04-01-0</u>	<i>)</i> 4

ZONGING DESCRIPTION FOR:

8805 Victory Avenue Baltimore, MD 21234

Beginning at a point on the north side of Victory Avenue which is 110' wide at the distance of 145' north of the centerline of the nearest improved intersecting street Putty Hill Road which is 20' wide. Being Lots #394, 395, 396 & 397 in the subdivision of Ridge Grove, as recorded in Baltimore County Plat #03, Book #07, Folio #039, containing 16,552.8'. Also known as 8805 Victory Avenue and located in the 14th Election District, 6th Councilmanic District.



DATE MISCELLANEOUS RECEIPT DISTRIBUTION WHITE - CASHIER LTIMORE COUNTY, MARYLAND * AMOUNT \$ ACCOUNT YELLOW . CUSTOMER HANNEH ACTUM TIME

1,712/2002 3/11/2002 09:24:13

NEL MORE CASHIER JEHN JEE DENMER

JEHL OT R 173154

DEN 5 578 700100 UEDIFICATION

OR MO. 011129 So.00 LA Land Counts, Mary Land

*

CERTIFICATE OF POSTING

	RE: Case No.: UZ 318 · H
	Petitioner/Developer: J. L. LEWIS
	Date of Hearing/Closing: 4/1/02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the prop	es of perjury that the necessary sign(s) required by law erty located at 6731 TAILWAY AVE
The sign(s) were posted on	(Month, Day, Year)
A Participant of the Control of the	Sincerely,
	(Signature of Sign Poster and Date)
	SSG ROBERT BLACK
City (1976) Delivery and the property of the city of t	(Printed Name)
	1508 Leslie Rd
The second secon	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940 (Telephone Number)
	(reichnone tammet)

CERTIFICATE OF POSTING

RE: Case No. 02-378-A
Petitioner/Developer:
Arnold P. Elliott, Jr.
Closing Date: 04/01/02

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Mr. George Zahner

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8805 Victory Ave.

The sign(s) were posted on 03/16/02.

Thomas J. Hoff

Sincerely.

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



DEPARTMENT PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

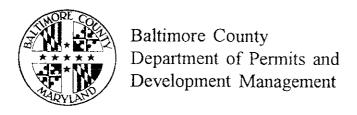
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 378 -A Address 8805 Victory Aue.				
Contact Person: Planner, Please Print You Name Phone Number: 410-887-3391				
Filing Date: 3.1102 Posting Date: 3.17.02 Closing Date: 4.1.0				
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.				
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.				
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.				
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.				
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.				
(Detach Along Dotted Line)				
etitioner: This Part of the Form is for the Sign Poster Only				
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT				
Case Number 02-378 -A Address 8805 Victory Ave. Petitioner's Name Telephone				
Petitioner's Name Telephone				
osting Date: 3.17.02 Closing Date: 4.1.02				
Vording for Sign: To Permit A FRONT AVERAGE SETBACK OF 23 H				
IN LIEM OF THE REQUIRED 25FT FOR AN				
ADD ITTON.				
<u> </u>				
V Arnold P. Elliott Jr Anald P. Golf De WCR - Revised 6/28/00				

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 1, 2002

Mr. & Mrs. Arnold P Elliott Jr 8805 Victory Avenue Baltimore MD 21234

Dear Mr. & Mrs. Elliott:

RE: Case Number: 02-378-A, 8805 Victory Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 11, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested. but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. 697

W. Carl Richards Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

People's Counsel

PV 4/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 5, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

APR 5

SUBJECT:

8805 Victory Avenue

INFORMATION:

Item Number:

02-378

Petitioner:

Laura & Arnold Elliott

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided elevation drawings are submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by:

Section Chief: (

AFK/LL:MAC

Baltimore County
Fire Department

Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue

111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 25,2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Office of the Fire Marshal

Towson, Maryland 21286-5500

700 East Joppa Road

410-887-4880

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

381, 383, 386-389, 391-394, 396-400

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

378.

COUNTY REVIEW GROUP MEETING {PRIVATE }

 $County \ Review \ Group \ comments$

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley 25 1767

DATE:

April 30, 2002

Zoning Advisory Committee Meeting of March 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

(378, 379, 380, 383, 384, 385, 386, 387, 389, 390, 392, 395, 396, 397, 399



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D Porcari Secretary

Parker F. Williams Administrator

Date: 3.26.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 378 JCM

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

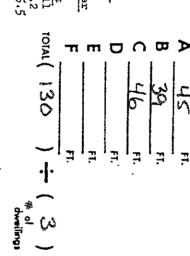
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

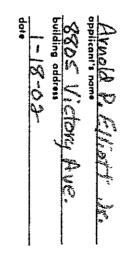
1. Hall

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES WEEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303.1 Baltimore County Zoning Regulations

`\$_{**}₹

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of joint side property line, but where said immediated each of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.2 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

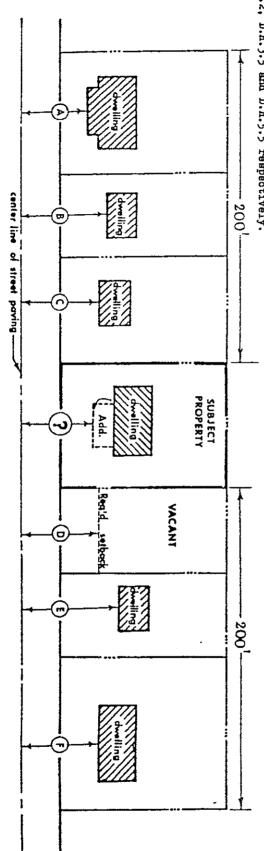




OI REQUIRED FRONT SETBACK (gyeroged)

D.R.2 - 65 ft. - 15 1/2 ROW.

D.R.3.5- 55 ft. 25ft. Fer. STBK.



308

1

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 29, 1996

Mr. and Mrs. Arnold P. Elliott, Jr. 8805 Victory Avenue Baltimore, Maryland 21234

RE: Petition for Administrative Variance

Case No. 97-42-A

Property: 8805 Victory Avenue

Dear Mr. and Mrs. Elliott:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restriction, in accordance with the attached Order.

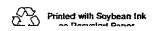
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

DATE OF



IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

E/S Victory Avenue, 145 ft. N

of c/l Putty Hill Avenue

8805 Victory Avenue 14th Election District 6th Councilmanic District Arnold P. Elliott, Jr., et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 97-42-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Arnold P. Elliott, Jr. and Laura A. Elliott, his wife, for that property known as 8805 Victory Avenue in the Ridge Grove subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow a detached accessory structure (garage) in the rear yard, with a height of 20 ft., in lieu of the required 15 ft., in a D.R.5.5 zone. The property and relief sought are more particularly described on Petitioners' Exh. No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

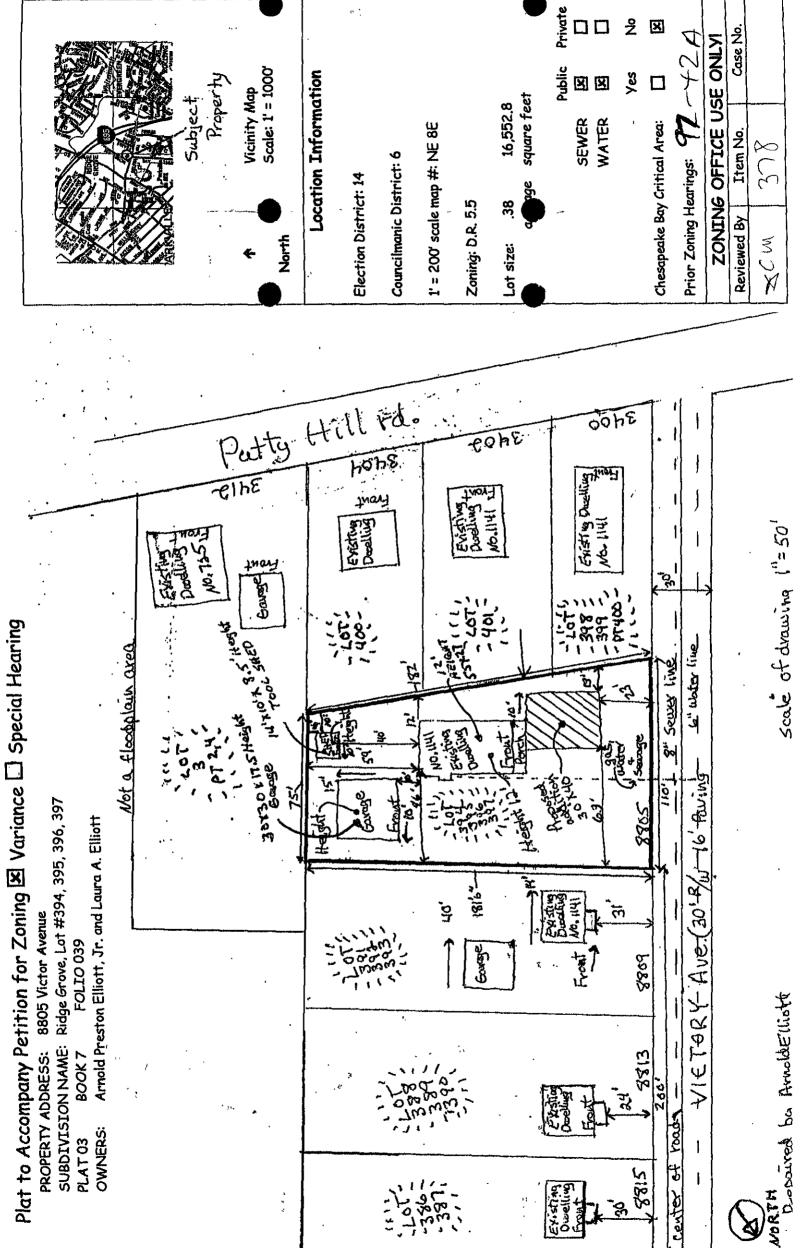
Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- The Petitioners shall not allow the garage to be used for any commercial purposes or to support any business operation.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn



scale of dvawing 1"=50"

